

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COURTNEY MOTLEY,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:20-cv-00326-RCJ-CLB

ORDER

On November 30, 2020, the Court ordered this habeas corpus action dismissed because the petitioner, Courtney Motley, has not exhausted his claim in state court. See Order entered November 30, 2020 (ECF No. 32). The Court denied Motley a certificate of appealability. See *id.* Judgment was entered that same date. See Judgment (ECF No. 33).

On December 9, 2020, Motley filed a document entitled “Appellant’s Informal Opening Brief” (ECF No. 35). Attachments to Motley’s December 9 filing (ECF Nos. 35-1, 35-2, 35-3, and 35-4) include notations suggesting that Motley meant to direct those documents to the Ninth Circuit Court of Appeals. The Court determines that Motley’s December 9 filings indicate his intention to appeal, so the Court treats that filing as a notice of appeal.

On January 6, 2021, Motley filed a Request for Transcript of Proceeding (ECF No. 37). That document is captioned for filing in the Nevada Supreme Court. In it, however, Motley appears to request transcripts of recorded proceedings in this action. There have been no recorded proceedings in this action. The Court will, therefore, deny Motley’s request. The Court will, however, direct the Clerk of the Court to send to Motley copies of certain documents that may be relevant to his appeal.

1 On January 11, 2021, the order dismissing this action (ECF No. 32) was
2 inadvertently re-entered (ECF No. 38), and judgment was again entered (ECF No. 39).
3 Those entries will be vacated.

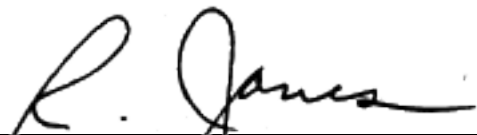
4 **IT IS THEREFORE HEREBY ORDERED** that the Clerk of the Court is directed to
5 treat Petitioner's December 9, 2020, filing (ECF No. 35) as a timely notice of appeal,
6 and process his appeal accordingly.

7 **IT IS FURTHER ORDERED** that Petitioner's Request for Transcript of
8 Proceeding (ECF No. 37) is **DENIED**.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send to
10 Petitioner copies of the documents filed at ECF Nos. 6, 18, 19, 20, 32 and 33.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to vacate the
12 order and judgment entered on January 11, 2021 (ECF Nos. 38 and 39), as
13 inadvertently entered and redundant of the order and judgment entered on November
14 30, 2020.

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16 DATED THIS 11th day of January, 2021.

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20 ROBERT C. JONES,
21 UNITED STATES DISTRICT JUDGE
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